

STATEMENT OF JOHN CONYERS, JR.
H.R. 339, "Personal Responsibility in Food Consumption Act"
Full Committee Markup
January 28, 2004

I rise in strong opposition to this legislation which is completely unwarranted. Although headlines of obesity lawsuits have been splashed across the newspapers as plaguing our legal system, very few if any suits are successful. Even those states that have passed "obesity legislation" have recognized that no such cases have come before the state court system. If there are no such lawsuits, there is clearly no need for congressional intervention.

I agree with proponents of the bill that people should maintain personal responsibility for their own choices, but this legislation is not about that. This legislation is a platform for tort reform that is inconsistent with our Constitutional system of federalism and recent Supreme Court decisions interpreting the Congressional power to legislate under the Commerce Clause. This is an issue that is traditionally left to the states and does not require Congressional involvement.

The bill is not limited to cases where someone is suing McDonald's because he gained weight – it would extend to those cases where the food manufacturer put out false information about the food's fat content, nutritional value, or safety. For instance, although the legislation cites an exception to the legislation if a manufacturer or seller "willing or knowingly" violates FDA standards, there is no exception for instances in which negligence is involved. Clearly if a seller or manufacturer could have or should have known their behavior could cause harm, they should be held liable.